

IC 33-23-13

Chapter 13. Defense of Judges and Prosecuting Attorneys

IC 33-23-13-1

"Judge" defined

Sec. 1. As used in this chapter, "judge" has the meaning set forth in IC 33-38-12-3.

As added by P.L.98-2004, SEC.2.

IC 33-23-13-2

"Prosecuting attorney" defined

Sec. 2. As used in this chapter, "prosecuting attorney" includes a senior prosecuting attorney appointed under IC 33-39-1.

As added by P.L.98-2004, SEC.2.

IC 33-23-13-3

Defense by attorney general or private counsel

Sec. 3. If a judge or prosecuting attorney is sued for civil damages or equitable relief and the suit would be construed, under notice pleading, as arising out of an act performed within the scope of the duties of the judge or prosecuting attorney, the attorney general shall:

- (1) defend the judge or prosecuting attorney in the suit; or
- (2) authorize the executive director of the division of state court administration to hire private counsel to provide the defense.

As added by P.L.98-2004, SEC.2.

IC 33-23-13-4

Criminal or disciplinary proceedings

Sec. 4. This chapter does not permit the appointment of counsel for the defense of a judge or prosecuting attorney in criminal or disciplinary proceedings.

As added by P.L.98-2004, SEC.2.

IC 33-23-13-5

Right to select defense counsel; responsibility for civil damages

Sec. 5. This chapter does not:

- (1) deprive a judge or prosecuting attorney of the judge's or prosecuting attorney's right to select defense counsel of the judge's or prosecuting attorney's own choice at the judge's or prosecuting attorney's own expense; or
- (2) relieve a prosecuting attorney from responsibility for civil damages.

As added by P.L.98-2004, SEC.2.

IC 33-23-13-6

Attorney general employment of legal and other professional services

Sec. 6. The attorney general may employ legal and other professional services necessary to adequately and fully perform the duties required by this chapter.

As added by P.L.98-2004, SEC.2.